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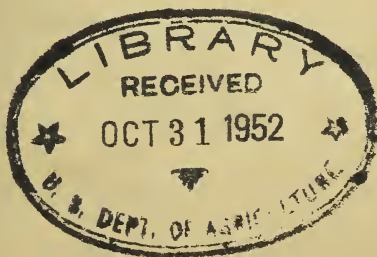
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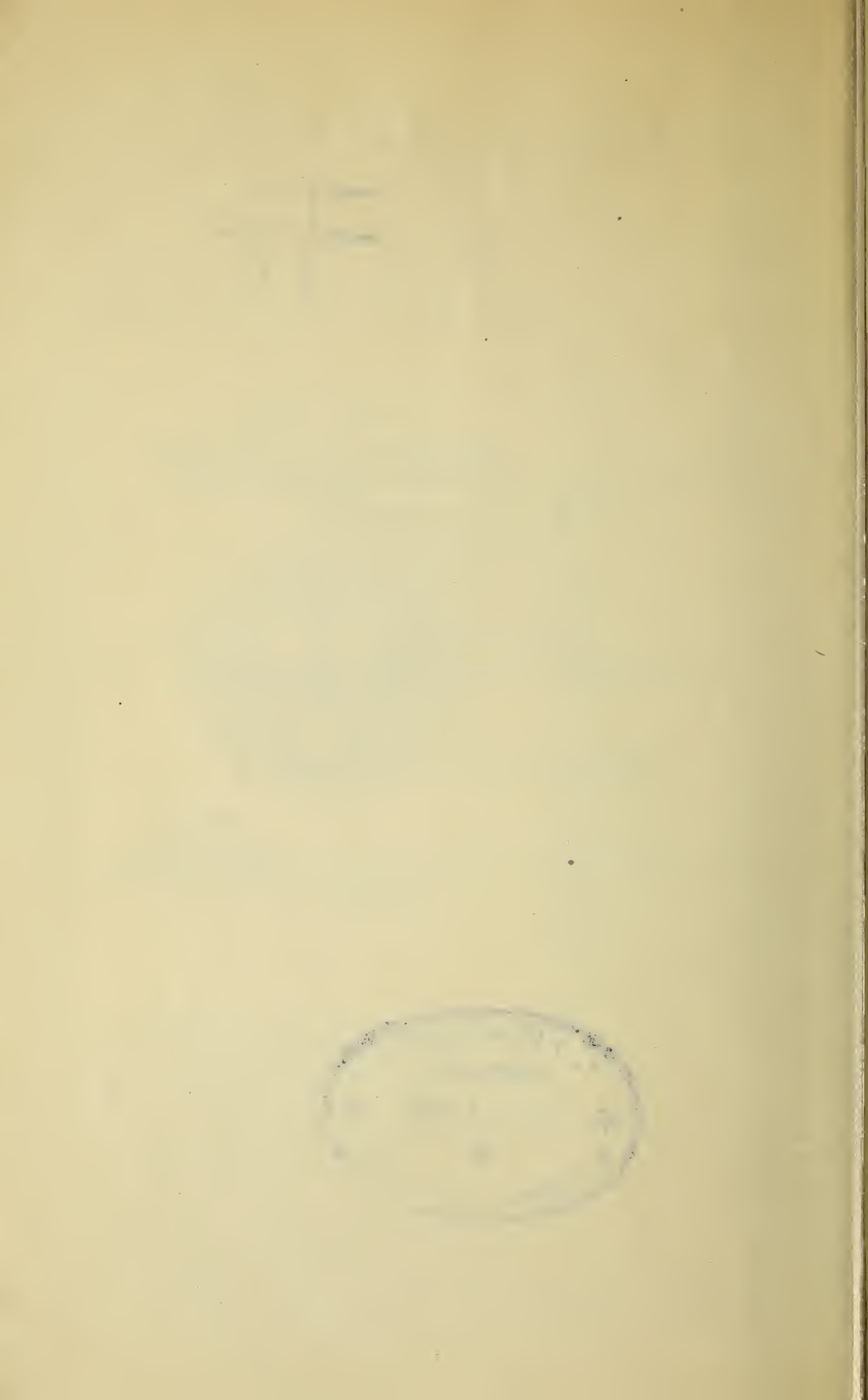
WASHINGTON, D. C.

REGULATIONS
GOVERNING LEAVES OF ABSENCE

IN THE
DEPARTMENT OF AGRICULTURE.

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United States Department of Agriculture,

OFFICE OF THE SECRETARY,

WASHINGTON, D. C.

JANUARY 1, 1911.

REGULATIONS GOVERNING LEAVES OF ABSENCE IN THE DEPARTMENT OF AGRICULTURE.

GENERAL ORDER NO. 144.

To Officers and Employees of the Department of Agriculture:

Pursuant to the Act of Congress of March 15, 1898, as amended by the Acts of July 7, 1898, and February 24, 1899,¹ authorizing leaves of absence, the following regulations are hereby promulgated, effective January 1, 1911, and all prior rules and regulations on this subject are revoked.

GENERAL.

1. **Authority to grant leaves.**—The head of each Bureau is authorized to grant annual leave with pay not exceeding thirty (30) days in each calendar year, and extension of leave on account of sickness not exceeding fifteen (15) days; sick leave in excess of such fifteen (15) days to be granted in meritorious cases only, by the Secretary, on recommendation of the Chief of Bureau.

2. **Records to be kept in Bureaus; time clerks.**—Uniform records of leaves of absence shall be kept in the Chief Clerk's office of each Bureau of the Department; and a time clerk shall be designated to keep such records in each Bureau. Leave shall be granted to employees of the Office of the Secretary upon approval of the Chief Clerk of the Department, who shall keep in his office records of all such leave. (See paragraph 8.)

3. **Inspection of records by Chief Clerk of Department.**—All records of leaves of absence shall be kept up to date and shall be accessible at all times for inspection by the Chief Clerk of the Department; there may also be required periodical reports to the Chief Clerk of the Department.

4. **Interpretation of regulations.**—Questions of interpretation of regulations governing leaves of absence, and questions not covered by these regulations, except questions of law, shall be submitted to the Chief Clerk of the Department for decision.

¹ See Appendix, p. 12.

5. **Applications for leave.**—Applications for leave of absence shall be made upon printed forms applicable to all Bureaus of the Department. A supply of these forms will be furnished by the Chief Clerk of the Department, and are intended for use in making applications for leaves of absence.

6. **Form of application.**—The form of application for leave of absence shall specify the beginning and ending (both dates inclusive) of the period for which such leave is desired. It must contain memoranda of all previous absences of the applicant during the calendar year then current, which memoranda shall be prepared and signed or initialed by the time clerk of the Bureau. The application must bear the signature of the applicant, the recommendation of the chief of division or office in which the applicant is serving, and the approval of the Chief of Bureau.

When the application for leave is on account of sickness for a period of two (2) days or less, and is not accompanied by a certificate of attending physician, the certificate on the back of the form must be made by applicant, and sworn to before a notary public; if the application for leave is on account of sickness for a period exceeding two (2) days, the certificate of the attending physician on the back of the form must be secured and certificate of notary is not required.

The form shall provide for approval by the Chief Clerk of the Department for sick leave exceeding fifteen (15) days, previously granted, or leave without pay.

7. **Form of application for annual leave for less than a day.**—Absence for a period less than a day may be granted upon an application form bearing the signature of the applicant, recommendation of the official in charge, and the approval of the Chief or Chief Clerk of the Bureau. A supply of these forms will be furnished by the Chief Clerk of the Department.

8. **Record of absence.**—A record of leaves of absence, for each employee, shall be kept by the time clerks of the Bureaus, and such record shall be in the form of printed cards showing the name of the employee, the Bureau in which he serves, and the date of reporting for duty. They are designed to show at a glance the total amount of leaves of absence granted, by days, months, and totals. A supply of these forms will be furnished by the Chief Clerk of the Department, and shall be used uniformly by all Bureaus.

All applications for leave when granted shall be entered by the time clerk of each Bureau on the card records of absence, and the leave slips when completed, showing return to duty, shall be placed therewith; and all such records shall be carefully preserved for a period of three (3) years.

All other systems of time records in use in the Department shall be discontinued.

9. New employees.—Regular employees who have been in the service of the Department for less than a year and served a probationary period of six (6) months, including those reinstated, may be granted annual and sick leave of absence at the rate of two and one-half ($2\frac{1}{2}$) days per month of service: *Provided, however,* That persons transferred from other Departments, or from one Bureau or Office to another within this Department, may be allowed transfer of accrued leave upon statement received from the Department or Bureau from which the transfer is made showing the amount of leave due at the time of transfer.

10. Probationary employees.—Probationary employees in Washington, after service of two (2) months, may be granted leaves of absence at the rate of two and one-half ($2\frac{1}{2}$) days a month, and probationary employees outside of Washington at the rate of one and one-fourth ($1\frac{1}{4}$) days a month, computed from the date of beginning of appointment.

11. Temporary employees.—Temporary employees, after service of two (2) months, may be granted leave of absence at the rate of two and one-half ($2\frac{1}{2}$) days a month, computed from the beginning of the third month.

12. Per diem employees.—Per diem employees shall not be granted leave with pay if their appointments state salary "for days actually employed," or if their employment is temporary. If per diem rate is simply a measure of salary and they are regularly and continuously employed without limitation, they are entitled to leave the same as those with annual or monthly rates of salary.

13. Allowance of leave confined to current year.—Leaves of absence are not cumulative; employees who are unable to avail themselves of leave within the calendar year will not be entitled to it, or any portion thereof, in a subsequent year; nor will leave be granted to be used in one year and charged to a subsequent year.

14. Only accrued leave allowed on resignation, etc.—On separation from the Department by resignation, dismissal; or transfer, employees may be allowed only accrued leave at the rate of two and one-half ($2\frac{1}{2}$) days for each month of service since the first of the calendar year.

15. Sundays and legal holidays.—Sundays and legal holidays and holidays by executive order, whether for the whole or part of a day, at the beginning or end of any kind of leave, or within a period of annual leave, will not be counted as leave; but those which occur within a period of sick leave or leave without pay will be counted. (See paragraph 47.)

16. Saturday afternoons in summer.—Saturdays in July, August, and September will be charged as four (4) hours in annual leave, and as a whole day in sick and without-pay leave.

17. **Office hours.**—The hours of labor, unless otherwise specially ordered, shall begin at 9 o'clock a. m. and close at 4.30 p. m., with one-half hour between 12 m. and 1 p. m. for luncheon, the particular half hour within that period in the different Bureaus to be designated by the Chiefs of the respective Bureaus. All employees shall be required to strictly observe the office hours.

In the interests of the service, so that all the employees in important offices shall not be absent at the same time, Chief Clerks may vary the time for luncheon of certain employees.

ANNUAL LEAVE.

18. **Distribution of leave.**—In no case shall administrative officers recommend or approve the granting of leave when to allow it will cause embarrassment to the service; and leave should be distributed or allotted to employees, if necessary, in the months when the work of the office will be least affected.

19. **Leave revocable.**—Leave of absence may be revoked at any time and the employee ordered to return to duty before its expiration, should the exigencies of the service require it.

20. **Application in advance.**—Application must be made in advance of the date of the beginning of the leave on the blank form provided therefor by the Department, and no applicant for annual leave will be permitted to be absent from duty until notification has been received of the granting of the same.

21. **Consecutive days only.**—Application should be made for only the number of consecutive days desired.

22. **Luncheon half hour deducted in fractional absence.**—The luncheon half hour is deducted from annual leave for part of a day when it occurs during the absence, as from 11 a. m. to 3 p. m., which should be charged as three and one-half ($3\frac{1}{2}$) hours and not as four (4) hours.

23. **Deduction from annual leave for absence without pay.**—Proportionate deduction from annual leave shall be made at the rate of one (1) day for each twelve (12) days, and multiples thereof, of furlough or leave without pay. (See also paragraphs 44, 45, and 46.)

24. **No leave granted for less than fifteen minutes.**—Absence less than fifteen (15) minutes will be charged as fifteen (15) minutes; and absence in excess of fifteen (15) minutes will be charged in multiples of fifteen (15) minutes.

25. **Time of departure and return of employee to be noted.**—Any administrative officer who shall receive notification from the Chief Clerk of Bureau that leave of absence has been granted to any employee under his supervision will note the exact time of the departure of such person and the exact time of his return to duty, and return application blank promptly to the Chief Clerk or time clerk of the Bureau.

SICK LEAVE.

26. Conditions governing granting of sick leave.—An extension of leave on account of sickness, not exceeding fifteen (15) days in the calendar year, may be granted by the Chief of each Bureau; sick leave in excess of such fifteen (15) days previously granted may be allowed in particularly meritorious cases only, by the Secretary, on recommendation of the Chief of Bureau.

Sick leave may be granted upon any one of the following conditions:

(a) Where some member of the immediate family of a clerk or employee is afflicted with a contagious disease and requires the care and attendance of such employee.

(b) Where through exposure to contagious disease, whether in his own family or not, the employee's presence in the Department would jeopardize the health of fellow-clerks.

(c) In exceptional and meritorious cases, where a clerk or employee is personally ill, and where to limit the annual leave to thirty (30) days in any one year would work peculiar hardship.

Condition (c) is made up of a group of facts or circumstances which must combine to authorize the granting of leave on account of personal illness. The case must be (1) exceptional, (2) meritorious, and (3) such that a denial of the leave would work not ordinary but peculiar hardship. What will in this connection constitute an "exceptional" case, a "meritorious" case, and "peculiar hardship" can not be defined in any general rule, but must depend upon the exercise of a reasonable discretion in the consideration of the circumstances.

27. Leave may be granted before annual leave.—Extension of annual leave on account of sickness may be granted at any time during the year, even though no annual leave shall have been granted at the time of such extension.

28. Applications for leave; physician's certificate.—Applications for sick leave must be filed on the form prescribed by the Department and be accompanied by a certificate, therein provided for, of the attending physician where one was employed, and in all cases where no physician was employed the specific reasons for not employing one must be stated.

29. Only regularly practicing licensed physicians.—Certificates of sickness will be accepted from none but regularly practicing physicians, licensed according to law.

30. Without physician's certificate.—Sick leave will not be allowed without a physician's certificate unless application is accompanied by a sworn statement that the absence was due to illness, that the employee was unable to perform official duties, and that no physician was employed. (See paragraph 31.)

31. Limitation of leave based on affidavit.—Periods not exceeding two (2) days may be granted on affidavit, and the aggregate of affidavit sick leave shall not exceed twelve (12) days in one year.

32. Not less than one day granted.—Sick leave will not be granted for less than one (1) day; absence for less than one (1) day shall be charged against annual leave.

33. Slight ailments.—Slight ailments or indisposition will not be accepted as sufficient cause for allowing sick leave; such absences should be charged to annual leave.

34. Absentees must report fact within twenty-four hours.—An employee absent on account of personal illness must report the fact to the Chief Clerk of the Bureau in which employed immediately; if such report is not made within twenty-four (24) hours, the time lost may be charged to annual leave or leave without pay.

35. Application must be made within three days.—Application for sick leave must be made within three (3) days after the return of the employee to duty.

36. Quarantine.—When an employee has been exposed to a contagious disease against which the medical authorities quarantine the patient, he should immediately file with the Chief Clerk of the Bureau in which employed a certificate from the attending physician, where such be the case, stating that in his judgment the presence of the employee in the office would jeopardize the health of fellow clerks. Application for leave with pay for the time lost must be accompanied by a certificate of the attending physician certifying that all danger from contagion has passed.

37. Modifying annual leave to sick leave.—No modification of annual to sick leave will be made unless sickness begins on or before the first day of the period granted as annual leave, when the latter may be surrendered and sick leave granted instead under the usual limitations. The circumstances and surroundings of an employee on vacation are usually so different from when on official duty that it seems beyond the intent of the law and regulations to grant sick leave during a period of annual leave.

38. Deduction from allowance because of leave without pay.—Proportionate deduction from sick leave shall be made at the rate of one (1) day for each twelve (12) days, and multiples thereof, of furlough or leave without pay. This applies also to reinstated employees in regard to the period of their separation from the Department in the current year. (See paragraphs 44, 45, and 46.)

39. Investigation.—The Chief of Bureau shall carefully consider the merits of every application for an extension of leave with pay beyond thirty (30) days which shall be presented by his employees, in so far as the actual sickness or exposure to contagion is concerned; and shall cause to be investigated those employees

who habitually apply for excessive sick leave, and if abuse of the privilege be found, report the same to the Office of the Secretary.

40. Penalties for deception.—All employees will be held to a strict accountability for statements made by them of inability to perform duty. When sick leave has been granted and subsequent developments prove that it was obtained by misrepresentation, it will be charged to leave without pay, even if the offender has annual leave still due. A second attempt to mislead or deceive official superiors, directly or indirectly, in regard to absence on account of alleged sickness, will be deemed sufficient cause for dismissal.

LEAVE WITHOUT PAY.

41. Appointment terminated "without prejudice;" reinstatement.—When an employee has been absent for more than sixty (60) days, and there is no probability of his immediate return to duty, his appointment may be terminated "without prejudice." Such employee, however, will be eligible for reinstatement at any time within one year from the date of separation from the service.

42. Not a right, but a favor.—Leave without pay is not to be considered as a right. It may be allowed on account of sickness when the regular leave has been exhausted, but otherwise it will be granted only when, in the opinion of the Chief of the Bureau, the public business will not suffer by the absence and when reasonable cause is shown, such as important business or emergencies of a serious nature.

43. Applications.—Applications for leave without pay must be filed on the form prescribed by the Department and shall be forwarded, with recommendation of the Chief of the Bureau, to the Chief Clerk of the Department for approval.

44. Deduction of pay for absence in excess of legal limit.—Absence of employees in excess of the legal allowance with pay must be covered by an application for leave of absence without pay for one (1) day or more, as no excess can be permitted without a deduction therefor. In the case of a deduction of a day's pay where the employee has not been absent an entire day he may take the balance of the day's time without further deduction, subject to approval by the Chief Clerk, provided the time is taken in the same year. (See paragraph 38.)

45. Basis for deduction from annual and sick allowance.—A proportionate deduction from allowance of both annual and sick leave shall be made at the rate of one (1) day for each twelve (12) days, and multiples thereof, of furlough or leave without pay in the current year; and in the case of employees outside of Washington, at the rate of one (1) day for each twenty-four (24) days and multiples thereof.

46. Retroactive deduction from leave.—If absence without pay for twelve (12) days and multiples thereof should occur after leave is exhausted, application for leave without pay to modify the excess of leave already taken will be required.

47. Sunday between sick leave and leave without pay counted.—When sick leave expires on (including) Saturday and the employee continues absent, beginning Monday following on leave without pay, the intervening Sunday is charged without pay.

48. Absence without leave.—Immediate notification must be given to Chief Clerks of Bureaus of all absence from duty for any cause, without leave having been previously asked for and granted. Any employee who is absent without leave for any cause may also be required to explain to his immediate superior, in writing, at the earliest practicable moment, the cause of his absence and of his failure to ask for permission to be absent. If it is found that he was absent upon insufficient cause, or if his failure to obtain permission to be absent is not satisfactorily accounted for, the time lost will be charged to leave without pay, and such further action as may be deemed necessary will be taken. Avoidable or willful absence without leave is an offense against office discipline.

EMPLOYEES OUTSIDE OF WASHINGTON, D. C.

49. Regulations applicable to field service.—The foregoing regulations are applicable, within legal limits and as far as practicable, to the field and station services connected with this Department outside of Washington, D. C.

50. Leave of absence of employees.—The Act making appropriations for the Department of Agriculture, approved May 23, 1908, provides that "The employees of the Department of Agriculture outside of the city of Washington may hereafter, in the discretion of the Secretary of Agriculture, be granted leave of absence not to exceed fifteen days in any one year, which leave may in exceptional and meritorious cases, where such an employee is ill, be extended in the discretion of the Secretary of Agriculture, not to exceed fifteen days additional in any one year."

51. Applications.—An employee whose official station is other than Washington, D. C., who may wish to absent himself from duty for more than five (5) days will be required to file with his immediate superior an application on form provided by the Department stating the period for which leave of absence is desired. Any superintendent, observer, inspector, chief of a field party, or other supervisory official receiving such an application will promptly forward the same, with his recommendation, to the Chief of his Bureau at Washington, who will at once approve or disapprove the application. Persons not assigned to any station or party will address their applications directly to the Chief of their respective Bureaus.

52. Leave for five days or less.—Observers, inspectors, superintendents in charge of stations, chiefs of field parties, or other supervising officials may grant to employees of their respective offices or forces permission to be absent for periods not exceeding five (5) days, but in every such case the absence must be promptly reported to the Chief of the Bureau at Washington, who will cause the same to be entered upon and filed with the employee's record.

53. Field employees serving part of time in Washington.—Regular employees of the Department outside of Washington, who are transferred to the service in Washington, may be granted leaves of absence at the rate of one and one-fourth ($1\frac{1}{4}$) days per month until date of transfer, and two and one-half ($2\frac{1}{2}$) days per month in Washington. Field employees serving temporarily in Washington will not be granted leave in excess of fifteen (15) days annual and fifteen (15) days sick in any one year.

54. Enforcement of regulations.—Chiefs of Bureaus and all supervisory officials will be held strictly responsible and accountable for the enforcement of these regulations.

JAMES WILSON,
Secretary.

APPENDIX.

PROVISIONS OF LAW RELATING TO LEAVES OF ABSENCE OF CLERKS AND OTHER EMPLOYEES.

In section 7 of the legislative, executive, and judicial appropriation act approved March 15, 1898, it is provided that—

* * * The head of any Department may grant thirty days' annual leave with pay in any one year to each clerk or employee: *And provided further*, That where some member of the immediate family of a clerk or employee is afflicted with a contagious disease and requires the care and attendance of such employee, or where his or her presence in the Department would jeopardize the health of fellow-clerks, and in exceptional and meritorious cases, where a clerk or employee is personally ill and where to limit the annual leave to thirty days in any one calendar year would work peculiar hardship, it may be extended, in the discretion of the head of the Department, with pay, not exceeding thirty days in any one case in any one calendar year.

This section shall not be construed to mean that so long as a clerk or employee is borne upon the rolls of the Department in excess of the time herein provided for or granted that he or she shall be entitled to pay during the period of such excessive absence, but that the pay shall be stopped upon the expiration of the granted leave.

The deficiency appropriation act approved July 7, 1898, provides that—

* * * nothing contained in section seven of the act making appropriations for legislative, executive, and judicial expenses of the Government for the fiscal year eighteen hundred and ninety-nine, approved March fifteenth, eighteen hundred and ninety-eight, shall be construed to prevent the head of any Executive Department from granting thirty days' annual leave with pay in any one year to a clerk or employee, notwithstanding such clerk or employee may have had during such year not exceeding thirty days' leave with pay on account of sickness as provided in said section seven.

The legislative, executive, and judicial act approved February 24, 1899, provides that—

* * * the thirty days' annual leave of absence with pay in any one year to clerks and employees in the several Executive Departments authorized by existing law shall be exclusive of Sundays and legal holidays.

